

**MINUTES OF MEETING
GOLDEN LAKES
COMMUNITY DEVELOPMENT DISTRICT**

A meeting of the Board of Supervisors of the Golden Lakes Community Development District was held on Tuesday, August 3, 2010 at 10:00 a.m. at the Club at Eaglebrooke, 1300 Eaglebrooke Boulevard, Lakeland, Florida.

Present and constituting a quorum were:

Rich Weaver	Chairman
John L. Knapp	Vice Chairman
Corey Miller	Assistant Secretary
Michael Turner	Assistant Secretary

Also present were:

Gary Moyer	Manager
Scott Clark	Attorney
Steven C. Shealey, PA	Engineer
Lou Ellen Wilson	LE Wilson & Associates, Inc.
Rodney Carson	Resident

The following is a summary of the minutes and actions taken at the August 3, 2010 Golden Lakes CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Weaver called the meeting to order and called the roll.

EIGHTH ORDER OF BUSINESS

CAM Report

D. Chain Link Fence Installation

The following was discussed:

- Mr. Carson addressed the Board regarding concerns he has with regard to the chain link fence which will be installed behind his house. He feels this will bring an aesthetic issue to his property. He requested extending the horse farm fence to the end of his property line so if there is a deviation it is only on the corner of the property line rather than in the middle.
- Mr. Weaver recommended Williams Fence Co. come out and stake where he proposes to run the fence. He does not understand the 22 inch deviation. He also requested Mr. Carson mark the northwest corner of his property line.

- There was no objection from the Board to do the horse farm extension.
- One of the owners wants to put a gate in the back fence. The Board will not authorize a gate.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the June 1, 2010 Meeting

Mr. Weaver stated each Board member received a copy of the minutes of the June 1, 2010 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Turner seconded by Mr. Miller with all in favor the minutes of the June 1, 2010 meeting were approved.

THIRD ORDER OF BUSINESS

Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2011 (Resolution 2010-2) and Levying Non Ad Valorem Assessments (Resolution 2010-3)

The following was discussed:

- Mr. Moyer stated the budget is as it has been discussed on several occasions. The overall non ad valorem assessments will remain the same as fiscal year 2010.
- Mr. Weaver opened the public hearing. There were no public comments.
- Mr. Weaver clarified Eaglebrooke North are direct assessments and are not in the budget.
- Mr. Clark suggested the final version of the budget should contain a note reflecting the assessment forbearance agreement.

On MOTION by Mr. Turner seconded by Mr. Knapp with all in favor Resolution 2010-2, adopting the budget for fiscal year 2011, and Resolution 2010-3, levying non ad valorem assessments, were adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Consider Proposed Street Parking Rules, Resolution 2010-4

The public hearing was opened and the following was discussed:

- The resolution reflects what has been discussed in previous meetings.

- Mr. Clark noted street parking is a problem in many communities. Communities deal with it in different ways. HOAs have rules about street parking, but they cannot do much to enforce them.
- There is a long history of Attorney General Opinions and administrative opinions stating CDDs do not have traffic regulation powers arising under Chapter 316 of the Florida Statutes. The CDD cannot exercise a police power to levy fines.
- In September of 2009 the Attorney General was asked by Mr. Beadle, the attorney for the Melbourne-Tillman Water Control District, whether a water control district could regulate traffic matters and tow away vehicles. The answer was that because of Chapter 316 it was not within the authority of the water control district to regulate traffic.
- Mr. Clark did not rely on Chapter 316 or on policing powers for the proposed rule. It rests on the powers of owners of property to tow away vehicles which are wrongfully parked. The Attorney General has not weighed in on whether CDDs can use this provision. Additionally, no court has weighed in on this issue either.
- There is the potential that a court or the Attorney General Opinions can later say the District does not have the power to do this.
- Mr. Clark's analysis is that under Florida Statutes Chapter 715.07, which is the towing statute, allows for the owner of real property to regulate parking. The District has the power under Chapter 190 to own real property.
- To be able to tow away vehicles parked on real property without permission the Board must enact a resolution adopting a policy of when you can and cannot park on real property owned by the District, which is the roadways. The Board must adopt a policy about number of notices, period of notice and then give the right to tow away vehicles that do not comply with the policy after receiving notice.
- Mr. Clark does not feel tow away signs need to be posted because there is a provision in the notice section which states if you give personal notice; you are not required to put up signs.
- The resolution requires security to patrol and post notices.
- There is also a provision stating that if the property is not conducive to the big signs, then notices can be placed at each driveway access or curb cut allowing vehicular

access to the property within five feet from the public right-a-way line. A sign can be posted at the gatehouse identifying the District's resolution.

- The District has to enter into a contract with a towing company which complies with the statute and regulations.
- The District has to commit to a security function of patrolling the District, giving warnings and doing the documentation.
- The public hearing was closed.
- 'Cars' will be changed to 'vehicles' in the resolution.
- It was recommended to have a phase in period.
- Mr. Weaver suggested giving warning notices and directing the CAM to write a letter to the property owner after a second notice is issued stating if it happens again the vehicle will be towed away based on Resolution 2010-4.

On MOTION by Mr. Turner seconded by Mr. Miller with all in favor Resolution 2010-4 was adopted as amended changing the word 'cars' to 'vehicles' and having an effective date of January 1, 2011.

FIFTH ORDER OF BUSINESS

Manager's Report

A. Proposed Meeting Schedule for Fiscal Year 2011

The Board reviewed the proposed meeting schedule for fiscal year 2011. The November meeting date was changed to November 16, 2010.

On MOTION by Mr. Turner seconded by Mr. Miller with all in favor the meeting schedule for fiscal year 2011 was approved as amended.

B. Acceptance of Financial Audit for Fiscal Year Ending September 30, 2009

Mr. Moyer reviewed the financial audit for fiscal year 2009.

On MOTION by Mr. Turner seconded by Mr. Weaver with all in favor the financial audit for fiscal year ending September 30, 2009 was accepted.

C. Discussion of Underground Systems – Whisper Woods Storm Drain

Mr. Shealey discussed the following:

- After looking at it with a camera it appears that poor construction processes combined with bad materials caused pipe joints on both structure to displace. This is what is causing the sinkhole.
- It is not separated so badly that it cannot be lined. They are waiting for materials to be delivered and the work will be completed.
- If this had to be dug up, the District would have lost the entire road section for approximately 20 feet in each direction plus half of the residents' front yards. It would have cost approximately \$50,000 to do the repairs.
- Mr. Shealey recommended the Board think about hiring someone like Bay Area Environmental to televise all the stormwater systems to prevent major problems in other areas.
- Mr. Turner asked if there is any remedy to go back to the developer on this issue being that it was poor construction. The entity that developed the area only exists as a corporate entity. It is also passed the one year warranty.

On MOTION by Mr. Miller seconded by Mr. Turner with all in favor the construction agreement dated July 16, 2010 between the District and Bay Area Environmental Services was ratified.

On MOTION by Mr. Miller seconded by Mr. Turner Ms. Wilson was authorized to have the area that was damaged restored at a cost not to exceed \$5,000.

- Mr. Shealey will get quotes to look at all stormwater systems within the District.

SEVENTH ORDER OF BUSINESS

Engineer's Report

The following was also discussed:

- There are many areas that have depressions in the roads within Eaglebrooke North.
- When the roads were built the county required core samples of the road. Someone did not put them back. They likely just jumped dirt in and laid asphalt over it.
- There are no pipes under the road at that point and there is no stormwater there.
- Mr. Shealey suggested filling the holes with asphalt and seeing how it holds up.
- There are several companies that do vacuum excavations and look for pipes. That is a second option.

- With regard to the issue of the flood plane, the county sent an email stating they looked at it and none of the homes are in the flood plane.

SIXTH ORDER OF BUSINESS

Attorney's Report

There being nothing further to report, the next item followed.

EIGHTH ORDER OF BUSINESS

CAM Report

- A. Painting of the Walls**
- B. Painting of the Light Poles**
- C. Repair of Vinyl Fence**
- D. Chain Link Fence Installation**
- E. Roving Patrol – 24/7**

The following was discussed:

- The sidewalks were completed. Mr. Shealey needs to inspect the one on Eaglebrooke Boulevard near Clearpointe Way.
- The landscape replacement due to the freeze is complete and the final cost was \$4,236. Ms. Wilson will look at it to see if any additional landscaping is needed. Some of the ornamental grass that was at Osprey Landing was transplanted in Greenview.
- The sod was replaced. There is a small area which may need to be replaced and will be done at no charge.
- The Crabgrass was treated with Celsin. It appears to have been successful, but it is still too early to tell.
- The retention area was bush hogged. It will be done every eight weeks during the summer.
- The rain sensors were installed. Mr. Weaver stated the sprinklers are going off while it is raining. He is not happy spending almost \$1,000 on something that is not working.
- The contractor assured Ms. Wilson the lights at The Preserve are working. The lights were paid for by the Eaglebrooke North HOA. Mr. Weaver stated they are not working and you need a meter to complete the circuit and have the lights come on. If there is a cost to put the meter in, it should be paid for by the District. Ms. Wilson will contact the contractor.

- The yield sign at the entrance was painted. It will wear off every six months so there is extra paint in the guardhouse to repaint.
- The reflectors will be installed this week.
- The guardhouse needed a new air conditioner.
- Securitas had requested a \$.20 per hour increase. Ms. Wilson asked them if they had received a roll back or refund of the increase from the unemployment fund. The local office has not received confirmation from the home office.
- It will cost \$2,300 per week to have a security officer roving patrol 24 hours a day, seven days a week.
- The vinyl fence on Lake Eaglebrooke Drive near Grandview has been damaged because people have been using it to do target practice. A police report was made, but provides no information. The cost to replace the panels is \$787. The Board agreed to have the fence repaired. A letter will be sent to the suspected resident regarding this issue.
- Two light poles were painted. Two proposals were obtained. Deal Electric submitted a proposal to do 113 poles for \$23,044.14. Lyle Painting submitted a proposal to do 113 poles for \$10,735. This item was tabled. Ms. Wilson will ask about the paint used and how many coats were done. She will also ask Lyle Painting about painting the numbers and about warranties.
- Five quotes were received to pressure wash the walls, repair the cracks, seal and paint both sides. Mr. Weaver recommended going to Lakeland Painting and asking them how much to do two coats as well as the approximate square footage included in their proposal.

NINTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Weaver made a comment about the weeds in the common area. Ms. Wilson is on top of this issue.

TENTH ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS

Approval of Financial Statements

There being no questions or comments,

On MOTION by Mr. Miller seconded by Mr. Knapp with all in favor the meeting was adjourned.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Miller seconded by Mr. Turner with all in favor the meeting was adjourned.

Gary Moyer
Secretary

Rich Weaver
Chairman